

Appl. No. : 09/811,901  
Filed : March 19, 2001

### REMARKS

Claims 1-138 have been cancelled. Claims 139-147 are now pending in this application. The claim set has been amended to cancel claims which will be refiled in a continuing application. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### Telephonic interviews

Applicants' representative would like to thank Examiner Berman for the helpful telephonic interviews of May 20, 2003, August 7, 2003 and September 9, 2003. During the interviews of May 20<sup>th</sup> and August 7<sup>th</sup>, the Examiner clarified that the Advisory action of May 1, 2003 had been sent in error and agreed to enter the amendment mailed April 14, 2003 and issue an Office Action based upon that amendment.

During the telephonic interview of September 9<sup>th</sup>, Examiner Berman clarified that claims 139-147 were in condition for allowance and faxed a revised cover sheet for the Office Action mailed 8/28/03. Also discussed was the requirement for resubmission of the substitute specification of 7/24/02. The Examiner stated that it was not necessary to resubmit the substitute specification but that a copy of the original claims was required in order to enter the substitute specification.

#### Substitute specification

As discussed in the telephonic interview of September 9, 2003 summarized above, the original claims and Abstract from the substitute specification are submitted herewith. The page numbers have been altered so that they follow from page 69, which is the last page of the substitute specification.

Entry of the complete substitute specification is respectfully requested.

Appl. No. : 09/811,901  
Filed : March 19, 2001

**Rejection under 35 U.S.C. § 102(b)**

Claims 1 and 129-138 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Soon-Shiong, et al. (5,700,848 or 5,705,270 or 5,846,530).

Claims 1 and 129-135 and 137-138 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Soon-Shiong, et al. (5,545,423 or 5,759,578 5,788,988 or 5,879,709).

The above grounds of rejection are now moot in view of Applicants' cancellation of the rejected claims.

**CONCLUSION**

In view of cancellation of claims 1 and 129-138 and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 11, 2003

By: Che S. Chereskin  
Che Swyden Chereskin, Ph.D.  
Registration No. 41,466  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\CSC\NOVCCEL3\CPDDV\NOVCCEL3\_FINAL\_AMD.DOC  
091003